

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRIAN S. KEENER,	:	CIVIL ACTION NO. 1:10-cv-0477
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
BRIAN M. TORKAR, individually and	:	
in his capacity as a Pennsylvania	:	
State Police Trooper, and SEAN	:	
TAYLOR, individually and in his	:	
capacity as a Pennsylvania State	:	
Trooper	:	

ORDER

AND NOW, this 13th day of January, 2012, upon consideration the motion (Doc. 28) *in limine* to preclude reference to any past *nolo contendere* plea by plaintiff Brian S. Keener (“Keener”) to any charge levied by defendants and/or their employer, the Commonwealth of Pennsylvania, and it appearing that in Pennsylvania a *nolo contendere* plea cannot be used as an admission in any civil suit for the same act, see Eisenberg v. Com., Dept. of Public Welfare, 516 A.2d 333, 335 (Pa. 1986), and it further appearing that defendants concur in the motion (see Doc. 45), it is hereby ORDERED that:

1. Keener’s motion (Doc. 28) is GRANTED.
2. Defendants shall not reference any past *nolo contendere* plea by Keener to any charge levied by defendants and/or their employer, the Commonwealth of Pennsylvania.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge